

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
March 12, 2003
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Prisila Ferreira for Terry Ellis, Peoria,
Chairman
Mike Hutchinson, Mesa, Vice Chairman
George Hoffman, Apache Junction
Todd Hileman, Avondale
*Joe Blanton, Buckeye
*Jon Pearson, Carefree
*Usama Abujbarah, Cave Creek
Donna Dreska, Chandler
*Dick Yost, El Mirage
#Tim Pickering, Fountain Hills
*David Evertsen, Gila Bend
Urban Giff, Gila River Indian Community
George Pettit, Gilbert
Ed Beasley, Glendale
Stephen Cleveland, Goodyear
*Tom Morales, Guadalupe

Horatio Skeete, Litchfield Park
Tom Martinsen, Paradise Valley
Frank Fairbanks, Phoenix
#Cynthia Seelhammer, Queen Creek
Jacob Moore for Bryan Meyers, Salt River
Pima-Maricopa Indian Community
Steve Olson for Jan Dolan, Scottsdale
Jim Rumpeltes for Bill Pupo, Surprise
Will Manley, Tempe
Ralph Velez, Tolleson
Shane Dille, Wickenburg
Mark Fooks, Youngtown
Andy Smith for Victor Mendez, ADOT
Tom Buick for David Smith,
Maricopa County
Ken Driggs, Valley Metro/RPTA

*Those members neither present nor represented by proxy.

Participated by videoconference or telephone conference call.

1. Call to Order

The meeting was called to order by Vice Chairman Mike Hutchinson, Mesa, at 12:05 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Vice Chairman Hutchinson stated that transit tickets were available following the meeting from Valley Metro/RPTA. Parking validation was available from MAG staff for those that parked in the parking garage.

Vice Chairman Hutchinson announced that for agenda item #5F, FY 2003 MAG Mid-Phase Public Input Opportunity, a copy of the report was at each place. For agenda item #6, Transportation Outreach to MAG Member Agencies, additional material was at each place.

Vice Chairman Hutchinson announced that Cynthia Seelhammer and Tim Pickering were attending the meeting via telephone conference call. He reminded Committee members to have their microphones turned on when speaking so that those participating via telephone could hear

the meeting. Ms. Seelhammer and Mr. Pickering acknowledged they were present and could hear the meeting.

3. Call to the Audience

Vice Chairman Hutchinson stated that public comments have a three minute time limit and there is a timer to help the public with their presentations. When two minutes have elapsed, a yellow light will come on notifying the speaker that they have one minute to sum up. At the end of the three minute time period, a red light will come on. Vice Chairman Hutchinson stated that for members of the audience who wish to speak, comment cards are available from the staff. Staff will then bring the cards to the Chairman. Public comment is provided at the beginning of the meeting for non-agenda items.

Vice Chairman Hutchinson recognized public comment from Joseph Ryan, who commented on paying for highways that will be needed over the next 20 years. Mr. Ryan brought materials that he distributed to meeting attendees. These materials were entered into the permanent record. Mr. Ryan stated that the population in the region grew by 100,000 people last year, which is two million over the next 20 years if the rate does not change. He noted that the majority of these people will be moving to the outlying areas. Highways will be needed for these people. Mr. Ryan stated that more than one half cent sales tax will be needed to get those highways. He stated that the public needs to get behind the taxation and support it, and the way to do this is to trust MAG. Mr. Ryan referred to the Arizona Republic article included in his material that discusses the platform of the train station. Mr. Ryan's three minute comment period expired. Vice Chairman Hutchinson allowed Mr. Ryan time for closing remarks. Mr. Ryan stated that the newspaper article mentioned that the shade temperature should go no higher than 95 degrees, however, many times, the temperature exceeds 110 degrees. Therefore, this is not a true statement. Vice Chairman Hutchinson thanked Mr. Ryan for his comments.

Vice Chairman Hutchinson recognized public comment from Blue Crowley, who stated that MAG has not been looking at the whole region in regard to transit. The bus does not extend on 51st Avenue past McDowell Road or Camelback Road. He noted that he had a 1994 letter from Qwest stating that people wanted bus service to their plant at 51st Avenue and Van Buren. Mr. Crowley stated that a lot of money has been spent on bus service within Metrocenter. For the money spent on going into the center, we could have put in a structure. Mr. Crowley stated that the Bus Book has misprints—pages are missing and out of order. He stated that he had been told that spring training schedules would be included in the book, but they were not. Mr. Crowley stated that a representative from RPTA told him the schedules were not supposed to be in the book. Mr. Crowley stated that at the March 6 public hearing with the ADOT Board, only two MAG members attended, and no RPTA Board members attended, and that is disgraceful. Mr. Crowley stated that the I-10 terminal is in MAG's plan, but not in RPTA's plan. He brought up that a stop on Indian School and Central Avenue was taken out because of construction, and it is not going to be put back. Vice Chairman Hutchinson thanked Mr. Crowley for his comments.

4. Executive Director's Report

Mr. Smith gave an update on the Transportation Policy Committee. The Committee approved a set of four major transportation goals for the region, along with accompanying objectives. Mr. Smith stated that action is anticipated on performance measures and alternatives packages. He

stated that a workshop was held last week for Committee members and staff. Mr. Smith stated that Tom Milton, a partner with Cantelme, Kaasa & Associates, briefed the Committee on the pros and cons of having the sales tax election in either May or November. The TPC voted to pursue a May 2004 election. Mr. Smith added that the next TPC meeting is scheduled for March 19 at 4:00 p.m. in the Saguaro Room.

Mr. Smith stated that the invitations to leadership groups have been sent out for the Town Hall on transportation. He noted that a memo was at each place regarding regional participation. Mr. Smith stated that the focus has been to invite attendees from groups that normally do not participate in the transportation planning process. He added that the goal is 250 participants, with approximately 100 confirmed reservations so far. Mr. Smith mentioned that the Town Hall is no cost to participants, and sponsorships will defray the cost of the event. Those with names of additional participants should contact Denise McClafferty or Tom Remes at the MAG office.

Mr. Smith introduced Seth Paine, who was hired to fill the approved position for Regional Development in the GIS department. Mr. Paine works in the Information Services Division as a Decision Support Analyst. He graduated from Arizona State University with a master's degree in Geography, and a bachelor of science in Wildlife Management from the University of New Hampshire. Mr. Smith added that Mr. Paine worked as a GIS Intern and a Research Analyst at the City of Tempe. He also volunteered as a Parks and Wildlife Biologist in the Peace Corps in Morocco.

Mr. Smith introduced Debbra Determan, Human Services Manager. She replaces Mary Thomson, who now works on Domestic Violence for the Governor's office. Ms. Determan graduated from the University of Minnesota with two master's degrees in Public Health and Social Work, and a bachelor of liberal arts. Mr. Smith stated that Ms. Determan formerly worked at the City of Mesa as the Human Services Coordinator.

Mr. Smith encouraged members to take copies of the MAG Urban Atlas, which were available at the meeting. He mentioned that Mayor Skip Rimsza has expressed many times that the document is a good resource for business clients.

5. Approval of Consent Agenda

Vice Chairman Hutchinson stated that public comment will be received before taking action on the consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments any member of the Committee can request that an item be removed from the consent agenda and considered individually. Vice Chairman Hutchinson stated that agenda items #5A through #5G were on the consent agenda.

Vice Chairman Hutchinson recognized public comment from Mr. Ryan, who provided material to those attending the meeting. The material was entered into the permanent record. Mr. Ryan commented that when all agreed to the Casa Grande accord they agreed to advance multimodalism. Who is setting the strategy and who is ensuring they follow the strategy? Mr. Ryan mentioned an article that says the rail system is the best option for the Phoenix area, but light rail is not rapid transit. He stated that a multimodal hub is needed at Sky Harbor Airport. Instead, in the plan, the airport will have a people mover. The 2004 map shows station locations at either 22nd Street and Jefferson or Washington, or at 24th Street and Jefferson or Washington. Mr. Ryan stated that the vehicle of choice is the streetcar. In today's paper, Scottsdale has

indicated they don't buy that. Mr. Ryan stated that the voters were told that the mode would be rapid transit and would be available in all corners of the region. Vice Chairman Hutchinson thanked Mr. Ryan for his comments.

Vice Chairman Hutchinson recognized public comment from Mr. Crowley, who commented on agenda item #5C, Proposed Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Highway Projects. He stated that the I-10 express terminal has not been finished, and restriping is not addressing that equation. The station should be abandoned by the City of Phoenix to the State so it can be completed. Mr. Crowley stated that a structure is planned over the top of I-17 and the Grand Canal, at a cost of \$3 million. He stated that a tunnel could be built at one-third the cost. Mr. Crowley asked what will happen to a structure over the freeway when the freeway is reconstructed—it will be torn down. He added that could be avoided if a tunnel is built instead. Mr. Crowley commented on agenda item #5F, FY 2003 MAG Mid-Phase Public Input Opportunity, that at the March 6 public hearing, he was limited to five minutes comment time, and others were allowed more. He stated that he would like the spring training schedules added to the Bus Book, as RPTA was directed by its Board. Mr. Crowley mentioned that he had arrived late for a stakeholders meeting in August and had offered comment on why the public was not allowed to sit at the table. Mr. Crowley stated that he had to eat crow for months because Dennis Smith had asked the public to sit at the table prior to Mr. Crowley's arrival. Mr. Crowley stated it would be nice for more representation of MAG at the public hearing than Chairman Feldman-Kerr and Mayor Drake. He added that it would also be nice to have the RPTA Board represented. Vice Chairman Hutchinson thanked Mr. Crowley for his comments.

Vice Chairman Hutchinson noted that Mr. Ryan had turned in a comment card for agenda item #5G, Amendment of Contract with Planning Technologies for Model Enhancements. He explained that the public is allowed a cumulative three minute comment period for consent items. However, he would allow Mr. Ryan time to address the Committee. Mr. Ryan commented on getting private money into developing profit-making corridors. HB 2288 precludes that. HB 2292 codifies the TPC as the key planning group to develop the plan. Mr. Ryan stated that some of the business members on the TPC are the same players that gave money to push the trolleys before the Transit 2000 election. He stated that these members need to be replaced on the Committee so the public will have faith. Mr. Ryan stated that the material he provided will show the suburbs will be shortchanged in two ways: precludes private industry money; and from getting what you deserve because Mayor Rimsza has already said he wants 40 percent. Vice Chairman Hutchinson thanked Mr. Ryan for his comments.

Mr. Fairbanks asked for clarification because the comments by Mr. Ryan were not to the agenda item. Mr. Ryan stated that if you look at the numbers for the air quality technical document, the numbers reflect who will be riding the trolleys and who will be on the streets. Mr. Ryan stated that the models show conflicting data. Mr. Ryan suggested that the Committee not approve the contract.

Mr. Velez moved to recommend approval of consent agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Mr. Hileman seconded, and the motion carried unanimously.

5A. Approval of February 12, 2003 Meeting Minutes

The Management Committee, by consent, approved the February 12, 2003 meeting minutes.

5B. Conformity Consultation

The proposed amendment to the FY 2003-2007 MAG Transportation Improvement Program (TIP) includes a request from the Arizona Department of Transportation to add a new project in FY 2003 that will result in the restriping of Interstate-10 between 7th Street and 7th Avenue. The results of the regional emissions analysis indicate that the inclusion of the project in the TIP and Long Range Transportation Plan 2002 Update meet the transportation conformity requirements for carbon monoxide, ozone, and particulate matter. In addition, the cities of Avondale, Chandler and Phoenix have requested changes to dirt road paving projects; the City of Phoenix has requested a change to a bicycle bridge project; and the City of Mesa has requested a change to an Intelligent Transportation System project. Also, the funding for seven ADOT projects on Loop 202 Red Mountain Freeway and Santan Freeway are being revised to "advance construct" roadway for repayment with Grant Anticipation Notes.

5C. Proposed Amendment to the FY 2003-2007 MAG Transportation Improvement Program for Highway Projects

The Management Committee, by consent, recommended approval of the proposed amendment to the FY 2003-2007 MAG Transportation Improvement Program as shown on Tables One and Two. MAG has received a request from the Arizona Department of Transportation to add a new project in FY 2003 that will result in the restriping of Interstate-10 between 7th Street and 7th Avenue. On January 30, 2003, the Transportation Review Committee (TRC) recommended approval of this amendment. In addition, the Cities of Avondale, Chandler and Phoenix have requested changes to dirt road paving projects; the City of Phoenix has requested a change to a bicycle bridge project; and the City of Mesa has requested a change to an ITS project. Further, ADOT has notified MAG of the need to change the potential funding source for seven regional freeway system projects on the Red Mountain and Santan Freeways in FYs 2003 and 2004. Currently, the funding source is defined as RARF/15 percent funding. However, the projects are being advance constructed for federal purposes and will be repaid by Grant Anticipation Note (GAN) funding in future years.

5D. Recommendations to Arizona Department of Transportation for the FTA Elderly and Persons with Disabilities Transportation Program (EPDT)

The Management Committee, by consent, recommended forwarding the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. On February 24, 2003, the MAG FTA Elderly and Persons with Disabilities Transportation Ad Hoc Committee ranked applications for the Federal Transit Administration (FTA) Section 5310 funding. These funds provide capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people who have a disability. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded.

5E. Consultant Selection for the MAG ITS/Traffic Engineering On-Call Services Request for Qualifications

The Management Committee, by consent, recommended the selected list of consultants for the ITS/TE on-call services, for amounts not to exceed the following: (1) ITS Planning \$50,000; (2) ITS Outreach \$50,000; (3) ITS Training \$50,000; (4) ITS Evaluation \$ 150,000; (5) Traffic Signal Operations \$ 300,000; (6) Data Collections Systems \$100,000. The 2003 MAG Unified Planning Work Program includes four project areas related to ITS: Regional Smart Corridors, ITS Training, ITS Evaluation and ITS On-Call. These project areas were subdivided into six specific areas of technical expertise, which required consultant services to reach regional ITS objectives. It is anticipated that approximately 20 projects in the six areas will be launched over the next two years. A request for qualifications was advertised on November 27, 2002, and 16 consulting teams submitted proposals. A multi-jurisdictional selection panel evaluated the proposals and reached a consensus to recommend selecting a number of qualified consultant teams in each of the six areas of expertise. Areas of Expertise: (1) ITS Planning: Kimley-Horn & Associates, Battelle Inc., Parsons Brinckerhoff. (2) ITS Outreach: PBS&J, DKS, Kimley-Horn & Associates; (3) ITS Training: Siemens, DKS, Lee Engineering, PBS&J, Kimley-Horn & Associates. (4) ITS Evaluation: BATTELLE INC., Kimley-Horn & Associates, DKS, Lee Engineering, Transcore, Parsons Brinckerhoff. (5) Traffic Signals: Siemens, URS, Lee Engineering, Kimley-Horn & Associates, Parsons Brinckerhoff, Transcore. (6) Data Collection Systems: Oz Engineering, Siemens, Northrop-Grumman.

5F. FY 2003 MAG Mid-Phase Public Input Opportunity

During the mid-phase public input opportunity, MAG cosponsored several events from the end of January 2003 through March 6, 2003 in cooperation with the Arizona Department of Transportation, Valley Metro/Regional Public Transportation Authority, and Valley Metro Rail. Opportunities included a freeway opening, a "MAG at the Mall" event and a Joint Agency Open House and Public Hearing. Additional opportunities included small group presentations, Black History Month events in Phoenix and Peoria, and participation in several Hispanic community events such as the Latino Institute, Hispanic Chamber of Commerce, and the 8th Annual Seminar in Spanish and Business Expo event. The FY 2003 Mid-Phase Input Opportunity Report contains all of the information gathered at these meetings and events, comments received at Management Committee and Regional Council meetings, and staff responses to comments made during the year.

5G. Amendment of Contract with Planning Technologies for Model Enhancements

The Management Committee, by consent, recommended increasing the contract with Planning Technologies by \$30,000, from \$50,000 to \$80,000, for socioeconomic model enhancements. The FY 2003 MAG Unified Planning Work Program and Annual Budget, approved by the Regional Council in May 2002, includes a work element to enhance the Subarea Allocation model that MAG uses for the preparation of socioeconomic projections. This custom model was developed for MAG by Planning Technologies. The enhancements to the model are needed to improve the small-area allocation routines for non-basic employment and to modify routines to incorporate database updates in preparation for the next round of socioeconomic projections. An amendment is requested to increase the contract with Planning Technologies by \$30,000 from \$50,000 to \$80,000 to cover these model enhancements.

6. Transportation Outreach to MAG Member Agencies

Kelly Taft gave a presentation on outreach efforts to MAG member agencies to better provide information to them, seek their input, and assist in informing community residents regarding MAG transportation planning efforts. Examples of materials that can be provided to member agencies are newsletter inserts, fact sheets, informational materials, a video to play on city cable channels and a media kit. A Web site is also being developed, letskeepmoving.com, that can be linked to member agency Web sites. Ms. Taft requested that members identify representatives or organizations that would be effective in communicating the plan to citizens, preferred methods of communication, and materials needed. Vice Chairman Hutchinson thanked Ms. Taft for her presentation.

Mr. Smith stated that Peoria City Councilmember Pat Dennis, who is a TPC member, requested engaging the Management Committee in the effort to get the information out to citizens.

Mr. Cleveland commented that the member agency outreach was a great strategy. He requested that examples of informational materials be forwarded to members. Ms. Taft stated that she would provide materials that include the presentation, fact sheet, media kits, and sample newsletter articles.

Vice Chairman Hutchinson urged members to communicate their responses to Ms. Taft.

7. Air Quality Update

Lindy Bauer stated that the Arizona Center for Law in the Public Interest filed a lawsuit challenging the Environmental Protection Agency approval of the Revised MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County Nonattainment Area. On December 19, 2002, the Environmental Protection Agency filed its brief in defense of the plan. Ms. Bauer stated that the Center filed a second brief to refute the EPA arguments in defense of the plan on January 17, 2003. She explained the main arguments included in the second brief. Ms. Bauer mentioned that the EPA anticipates a court decision in July 2003, which is in the same time frame that the Regional Transportation Plan is being finalized. Ms. Bauer displayed a recently updated timeline of the lawsuit. Ms. Bauer stated that the next step is for the court to schedule oral arguments. Vice Chairman Hutchinson thanked Ms. Bauer for her report.

8. Community Emergency Notification System Update

Vice Chairman Hutchinson introduced Chief Harry Beck, Phoenix Fire Department, and Chairman of the MAG 911 Oversight Team. He announced that Chief Beck had recently been confirmed by the Mesa City Council as the new Fire Chief for the City.

Chief Beck stated that in January 2003, the Arizona Department of Environmental Quality awarded a \$2.5 million contract to the Maricopa Association of Governments and Qwest Communications to jointly develop and operate a community emergency notification system (CENS) for Maricopa County. The system will rapidly notify those living or working near the scene of an emergency in Maricopa County by telephone and provide them with information and any required emergency instructions in English or Spanish. Chief Beck reviewed the first step, which is technical development of the project. Preparation of the database, which is the same

database used for the 911 system, is underway. Chief Beck stated that another component is training of the Public Safety Answering Point (PSAP) Managers. He explained that the concepts for activating the system need to be developed, because ultimately, it will come back to the PSAP to activate the system when there is an incident. Chief Beck stated that the public awareness campaign is also a significant part of the effort. He explained that issues for consideration during the policy process include defining system activation thresholds, liability considerations, and ongoing funding. Chief Beck stated that the MAG system will be a first in the nation for a system this large. He advised that the funds will sustain the system for three to five years so alternate funding sources need to be found for system continuation. He added that options include user fees or addressing notification systems as a statewide 911 issue. Chief Beck stated that a CENS Stakeholder Work Group will be formed to ensure all interested parties have a voice in setting the policies. The CENS Stakeholder Work Group needs to be a diverse group representing all potential users of the system. These groups include public safety, flood control, homeland security, animal control, emergency management, and legal and citizen representation. Chief Beck explained that vendors may attempt to contact cities in regard to providing products similar to what the MAG system will offer. He cautioned that their products are based on the telephone book and are not as accurate nor well maintained as the MAG 911 system. Chief Beck noted that the new system could work as an umbrella to those existing systems that some cities may have. Mr. Smith advised that vendors are very active, and before taking any action, cities should call either Chief Beck or Susan MacFarlane, MAG 911 Administrator. Vice Chairman Hutchinson thanked Chief Beck and asked if there were any questions.

Mr. Olson asked if these funds could be impacted by actions by the state legislature in their attempts to balance the state budget deficit. Chief Beck replied that the funds for the system cannot be appropriated by the legislature, however, any reduction in the 911 fund could impact the system in the future.

9. Discussion of the Draft FY 2004 Unified Planning Work Program and Annual Budget and Expenditures and Projects in the MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough gave a presentation on the draft FY 2004 Unified Planning Work Program and Annual Budget. She noted that incremental review of the work program is being provided to keep members informed throughout the process. Ms. Kimbrough mentioned that in addition, staff is producing a document, called "MAG Programs in Brief," which will provide a concise summary of the MAG budget.

Vice Chairman Hutchinson thanked Ms. Kimbrough for her presentation. He stated that the Work Program was well put together, and asked for clarification of the schedule for approval of the budget in May. Ms. Kimbrough replied that staff would make another presentation of the budget in April if there are changes, otherwise, the approval process is anticipated for May.

Mr. Dille asked for clarification of the percent change in the percent change in the last column, as shown on page 35. Ms. Kimbrough replied that was a typo, and should read percentage from 2003-2004, not 2002-2003. She further explained that the change in salary percent is a result of the approved GIS position and a change in the Executive Director. Mr. Smith noted that the organization has realized a salary savings of more than \$100,000 in FY 2003, because there have been no salaries for an Assistant Director since June and an air quality position was vacant for six months.

10. 2005 Population Options Status Report

Mr. Pettit provided a status report on recent activities of the Subcommittee on 2005 Population Options. He stated that the change in state legislation is being approved by the State Senate to allow for the use of a survey in lieu of a Special Census to derive 2005 population figures for distributing state-shared revenues. Mr. Pettit stated another issue is that if the survey starts October 1, the followup-calls would take place during the Thanksgiving time frame. He added that moving the survey from October to September is being considered. Vice Chairman Hutchinson thanked Mr. Pettit for his report.

11. Legislative Update

Mr. Smith provided a report on HB 2292 regarding the half cent sales tax. He stated that in January 2003, the Regional Council opposed HB 2292 as written, and authorized the leadership of the TPC to negotiate with the legislative sponsors of the bill. Mr. Smith stated that Mayor Elaine Scruggs, Glendale, Vice Chair of the TPC, testified at the House Transportation Committee hearing, where she indicated that the compromise and planning arrangements followed federal law. Mayor Scruggs also raised the issues of safeguards not in the bill and election timing. Mr. Smith stated that MAG understood these concerns could be considered along the way as the bill moved through the process. At the February Regional Council meeting, a status summary of the seven points was given, and it was noted that the point that included safeguards for life cycle, material cost changes, and enhancements for transit had not been addressed in the bill. Mr. Smith stated that painful lessons were learned from the 1985 vote that these are important elements to include. He noted that the Regional Council directed staff to work with Representative Pierce on these issues as the bill moved through the process. Mr. Smith commented that Supervisor Don Stapley, Maricopa County, at the TPC meeting, indicated that the County did not oppose the inclusion of safeguards. He added that work has been ongoing to get the safeguards into the bill, and all thought that would happen. However, he said, we found out Monday that no new amendments to the bill would be considered. Mr. Smith stated that the bill was heard March 11 at the Natural Resources and Transportation Committee. MAG was supportive in the past, but at the hearing, that position was changed to neutral and concerns were expressed due to the above issues. Mr. Smith noted that the bill passed the Committee by a vote of 6-0.

Mr. Smith reviewed the bill summary that was at each place. He noted that the summary was also provided at the Senate hearing on Tuesday. Mr. Smith stated that the general counsel for RPTA gave an opinion to RPTA that the sales tax revenue could not be put into public transportation. Even proponents of the bill indicate that more work on the bill needs to be done. Mr. Smith stated that they proposed that the safeguards issue could be addressed in another bill this session, at the end of this session with a special session in the fall, or at the next regular session when asking for legislative language authorizing the election. Mr. Smith stated that the question is whether we want to address the technical fixes in January. Some cities have indicated they may change their position from neutral to oppose. Mr. Smith commented that when working with the business community, we need a collective effort. If the safeguards are not in the bill and citizens ask about citizen oversight, we would have to say there currently is none. Mr. Smith stated that election timing is a big concern. If we go with a May 2004 vote, and wait until the regular session that begins January 12, a vote would be called for on January 19. He added that the ballot language would have to be in by February 3. This is a very tight

schedule to meet, and does not allow for unforeseen circumstances. Mr. Smith stated that assurances have been given that this timing will work. Representative Gary Pierce has stated that if the timing does not work, a November 2004 or May 2005 election could be pursued. Mr. Smith noted that big infrastructure projects take a lot of lead time, so the earlier the election, the better. He added that the technical fixes need to be in the bill now.

Mr. Driggs commended Mr. Smith on his testimony at the Committee hearing. Mr. Driggs stated that the bill passing by 60-0 was a show of force for freeway interests. He added that there was the assumption because of that vote that the same bill would go through the Senate. Mr. Driggs stated that Mayor Scruggs, Mayor Giuliano, and Mr. Smith knew when they testified that there was a time when these issues would need to be addressed. Mr. Driggs stated that the goal is to keep the election on target in May 2004. Hopefully, all interests can find a way to get this done by January.

Mr. Beasley expressed that he had concerns and recommended that the bill with current language not be supported. He noted that MAG thought the amendment would be included in the bill as part of the cooperative effort. Now the cities could be left hanging. Mr. Beasley stated that there has been much talk about multimodalism. If we are unable to make changes, then we can have air quality problems and will need to cap transit. We will have a short time frame if the amendment is not in the bill, or else we will need to find another bill. Otherwise, the cities will be left exposed.

Mr. Smith noted that the letter from the RPTA general counsel also requested that Senate staff work with the legislative counsel to confirm or deny whether funds could be used for transit. The street issue is clear, there is no way to get street money out of the sales tax. Mr. Smith stated that it is a serious mistake to tell the TPC to trust the legislative process until the end. He indicated that the TPC is having a difficult time waiting for authorizing legislation, and now they will have to wait for more.

Ms. Dreska expressed concern that the safeguards were not defined. She added that Chandler staff will be presenting the issue to their City Council, and as the situation is now, the city is unsure whether to continue support. If we wait until January, and it does not work out, the burden will come back on the cities.

Mr. Cleveland stated that in the past, MAG has been accused of changing the rules after the ball game has started. He encouraged all to get together and make it happen now.

12. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Driggs commented that RPTA is prepared to recommend having a Management Committee. He noted the concern for time constraints on managers. Mr. Driggs stated that word on this is anticipated in the next day or so. He added that MAG has been working with RPTA to set up a committee to review the transit portion of the TIP.

There being no further business, the meeting adjourned at 1:20 p.m.

Chairman

Secretary